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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/600,837

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EXAMINER

LIM, KRISNA

ART UNIT

PAPER NUMBER

2153

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/600,837

Applicant(s)

THAKKAR ET AL.

Examiner

Krisna Lim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D..11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-5 and 7-20 are still pending for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Lofton [Pub. No. 2003/0154116].
4. Lofton anticipated (e.g., see Figs. 1-17) the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference anticipated a system for web-based, passive, user-active and event-centric application comprising:
 - A) database (database of Fig. 2) and an application on a web server (MyiSchedule home page in Figs. 3-6), wherein the database is a repository of information on a) a club, b) an event for the club, and c) a member attribute for a member of the club, wherein the event is managed by the member (e.g., see detail information of a user profile and other event information in Figs. 4-6);
 - B) means for accessing the information (e.g., the home page or screen of Fig. 3, selection of displaying options, paragraph) on the event, the access being limited to the member (Fig. 8); and
 - C) means for updating the information on the event by the member (e.g., see Fig. 6); wherein the application not involving monitoring the information for the event.
5. As to claim 2, Lofton anticipated the means for accessing the information for the event is by a user interface (e.g., the home page of Fig. 3), the user interface providing

the member access to a) retrieve the information for the event, b) add new information for the event, and c) update the information for the event (e.g., see Figs. 3-6).

6. As to claim 3, Lofton anticipated the means for accessing the information for the event is by entering a username and password on a password protected interactive screen, the interactive screen accessible by the member (e.g., see Figs. 2-3).

7. As to claim 4, Lofton anticipated the means for accessing the information for the event further comprising means for displaying to the member: a) the information for the event (Fig. 6), b) a selective attribute associated with the member (e.g., see the information associated with a member A of Fig. 2), and c) the selective attribute associated with the other members other than the member (e.g., see the information associated with a member B); and means for updating the selective attribute for the member (e.g., modify information in Fig. 4).

8. As to claim 5, Lofton anticipated a method for web-based, passive, user- active and event-centric application comprising:

A) creating database (database of Fig. 2) and an application on a web server (MyiSchedule home page in Figs. 3-6), wherein the database is a repository of information on a) a club, b) an event for the club, and c) a member attribute for a member of the club, wherein the event is managed by the member (e.g., see detail information of a user profile and other event information in Figs. 4-6);

B) accessing the information (e.g., the home page of Fig. 3) on the event, the access being limited to the member (Fig. 8); and

C) updating the information on the event by the member (e.g., see Fig. 6); wherein the application not involving monitoring the information for the event.

9. As to claim 7, Lofton anticipated accessing the information for the event is by a user interface (Screen in Figs. 3-6), the user interface providing the member access to a) retrieve the information for the event, b) add new information for the even (e.g., see

Art Unit: 2153

screen of Figs. 3-6), and c) update the information for the event (e.g., see screen of Figs. 3-6).

10. As to claim 8, Lofton anticipated the member access is by a password protected interactive screen, the interactive screen accessible by the member (e.g., see password of Fig. 2).

11. As to claim 9, Lofton anticipated setting up the club, the setting up comprising adding attribute for the club and creating an administrator, the setting up of the club performed by an application host (MyiSchedule in Figs. 1-17).

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lofton [Pub. No. 2003/0154116] as applied to claim 5-9 above, and further in view of the Official Notice.

14. As to claims 10-18, while Lofton disclosed MyiSchedule home page having a plurality of screens for automatically created a schedule for a new member, for accessing and creating the schedule via Internet, for modifying information of an existing schedule, for posting events to your own schedule or schedulers of others, for configuring the schedule preferences, setting up member distribution lists, setting the access of member schedule by others, controlling who can view the contents of the schedule, changing password, etc., Lofton might not explicitly mention or detail as

Art Unit: 2153

claimed language. Examiner takes the Official Notice that such detail claimed language would have been a matter of programming choices which are not patentably distinguishable. Moreover, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to recognize that such detail procedures (i.e., the administrator procedure for performing a), b), c), etc. steps) and detail of information having such and such information would have been a matter of programming choice.

15. Applicant's arguments filed 5/14/07 have been fully considered but they are not deemed to be persuasive.

16. In the remarks, applicants argued in substance that:

A-1. The current invention teaches a "passive, user-active, event-centric" application.

A-2. Lofton [Pub. No. 2003/0154116] does not teach a "passive, user-active, event-centric" application.

A-3. SUMMARY: a "passive, user-active, event-centric" application:

The current invention teaches a "passive, user-active, event-centric" application. Lofton [Pub. No. 2003/0154116] does not teach or suggest the basic function of embodiments of the present invention, being a "passive, user-active, event-centric" application. Contrary to the teachings of the current invention, Lofton [Pub. No. 2003/0154116] teaches a system that can be described as "active" (sends notifications; updates, and reminders to members), partly "user-passive" (members can wait to receive notifications, updates, and reminders from application), and "personal calendar-centric" (all activities being centered around members' personal calendars).

A-4. The current invention teaches a "passive" application:

Claim 1 of the current invention teaches a system and claim 5 of the current invention

teaches a method for a "passive" application since the application does not play any role in creating or updating club's events, does not play any role in creating or updating members' involvement in the club's events, and does not send notifications, updates, or reminders to members.

The current invention's Specification [0072] (page 23) recites: "The system, in the present invention, is passive in a way that it provides a medium in which a number of people come together to form a group or club. It does not manage events, send invitations to the members 30, send notifications to the members 30, expect reply or acknowledgement from its members 30 and hence summarize the members' 30 responses, check or store members' 30 availability, provide or keep public or private calendars for members 30, or send files or forms to members 30 (emphasis added)."

The current invention's Specification [0016] (page 6) recites: "It is an additional object of the invention to provide an environment where the system does not involve creating or maintaining members' 30 calendars, check or store members' 30 availability or send files, notifications or invitations to members 30 (emphasis added)." The current invention's Specification [0019] (pages 6-7) recites: "There are no email invitations or electronic forms to send (emphasis added), as a result of which the responses need not have to be summarized, and the administrator 31 does not have to notify members 30."

The current invention's Specification [0070] (page 22) recites: "The administrator 31 does not monitor members' 30 participation, their contribution, or their availability. It is left to individual members 30 to access the web site and choose to participate or to contribute or to not participate/contribute to the event."

Throughout claims, specifications, and abstract of the current invention, there is no reference to any active role of the application. The present invention is very specific and clear that no action is taken for a user by the application.

A-5. Lofton [Pub. No. 2003/0154116] does not teach a "passive" application:

A-6. SUMMARY: a "passive" application:

As demonstrated above in section A-4, the current invention teaches a "passive"

Art Unit: 2153

application. Additionally, as demonstrated 'above in section A-5, Lofton [Pub. No. 2003/0154116] does not teach or suggest the basic function of embodiments of the present invention, being a "passive" application. Contrary to the teachings of the current invention, Lofton [Pub. No. 2003/0154116] teaches a system that can be described as "active" by sending notifications, updates, and reminders to members.

A-7. The current invention teaches a "user-active" application:

A-8. Lofton [Pub. No. 2003/0154116] does not teach a "user-active" application:

A-9. SUMMARY: a "user-active" application:

A-10. The current invention teaches an "event-centric" application:

Claim 1 of the present invention teaches an "event-centric" system and claim 5 of the present invention teaches an "event-centric" method since all activities are centered around the club's events rather than the member. The present invention teaches that members, aside from updating own profile, can create or update own involvement only in the club's events. The present invention is very specific and clear that the system and method are not about members' personal calendars and schedules. In fact, the application does not provide any means for members to create and maintain own or other members' calendars.

A-11. Lofton [Pub. No. 2003/0154116] does not teach an "event-centric" application:

Contrary to the teaching of the current invention, Lofton [Pub. No. 2003/0154116] teaches over and over a system that can be identified as a Personal Calendar-Centric. Lofton [Pub. No. 2003/0154116] repeatedly asserts terms "user's calendar", "personal calendar", "hierarchical calendar", and "private events". Lofton [Pub. No. 2003/0154116] provides means for members to create and maintain personal calendar and emphasizes activities applied to the personal calendar of members: :

A-12. SUMMARY: a "event-centric" application:

As demonstrated above in section A-10, the current invention teaches an "event-centric" application. Additionally, as demonstrated above in section A-11, Lofton [Pub. No. 2003/0154116] does not teach or suggest the basic function of embodiments of the present invention, being a "event-centric" application. Contrary to the teachings of the current invention, Lofton [Pub. No. 2003/0154116] teaches a system that can be described as "personal calendar-centric" since he teaches a system and method with embodiments of "plurality of calendars", "hierarchical calendars", "personal calendars", "private calendars", and "users' calendars".

17. In response to paragraph 16 above, the key point of applicant's argument is the present invention teaches a "passive, user-active, event-centric" application while the Lofton does not. Then, applicant argued in detail that the specification and drawings of the present invention teach a "passive, user-active, event-centric" application while the abstract, the drawings and the specification of Lofton's do not. In response to applicant's arguments, the recitation of "passive, user-active, event-centric" application has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Moreover, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Art Unit: 2153

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

July 30, 2007



KRISNA LIM
PRIMARY EXAMINER